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US/PCT Application/Patent No.:08/873,974

Client Ref.:
US/PCT File/Issue Date: 6/12/1997
Priority Data:
USPTO Confirmation No.: 2461

Inventor: SCROGGIE

Title: SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION
THROUGH COOPERATIVE COMMUNICATION NETWORK SITES

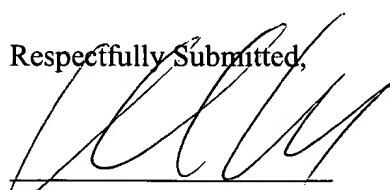
**THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON
THE DATE STAMPED HEREON:**

37 CFR 41.41 Reply Brief (14 Pages)

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2106. A duplicate copy of this sheet is enclosed.

3/17/06
DATE

Respectfully Submitted,


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Fees:	PcLaw Matter	Lawyer	Amount	Explanation	Date Entered	Initials
Fees:						
Disbursements:	PcLaw Matter	G/L Account	Amount	Explanation	Date Entered	Initials

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CAT/34-SCRO-US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: SCROGGIE ET AL.

SERIAL NO.: 08/873,974

GROUP ART UNIT: 2163

CPA FILED: AUGUST 17, 1999

EXAMINER: ROBINSON, BOYCE A.

FOR: SYSTEM AND METHOD FOR
DISTRIBUTING INFORMATION
THROUGH COOPERATIVE
COMMUNICATION NETWORK SITES

ASSISTANT COMMISSION FOR PATENTS
WASHINGTON, D.C. 20231

37 CFR 41.41 REPLY BRIEF

SIR:

In response to the examiner's answer mailed on 3/13/2006, applicants submit the following reply brief and its attachments I and II.

REMARKS

The examiner at numbered page 2 alleges the statement in the brief of the status of the claims is incorrect, because the examiner and I differ on the legal issue of whether the independent claims are under appeal.

The examiner's answer also reiterates the arguments the examiner made in the prior office action. Other than that, the examiner's answer (1) (page 3 item 6 and paragraph spanning pages 9 and 10) does not consider our briefed reasoning why the independent claims are not suggested by the prior art and (2) responds to our reasoning (a) why the rejections of claims 63, 73, and 83 over Sloane are improper (first full paragraph on page 10); and (b) why the rejections of claims 54-59, 64-69, 74-79, and 84-89 over Sloan and Narasimhan are improper adding the following argument that there is a motivation to combine: "Since the consumer in Narashimhan et al presents a query for the purpose of acquiring products/service of interest as described in col. 8, lines 41-74, it would be reasonable to disclose presenting a query, and in response, transmitting incentive data relating to that query in order to keep the consumer interested." (first full paragraph on page 12).

Regarding item (1), we reply that the examiner's failure to consider the subject matter as a whole is legally improper, and therefore does not provide a *prima facie* case. Therefore, rejections of all rejected claims should be reversed.

Regarding item (2)(a)(the rejections of claims 63, 73, and 83 over Sloane), we reply that the examiner merely relies upon the argument in the last office action that the "transmittal of a geographically limited list of retailers is well known in the art...". Therefore, the examiner has not presented a new argument to which further response is necessary.

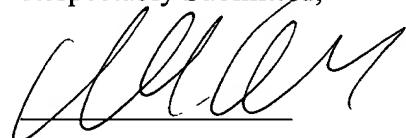
Regarding item (2)(b)(the rejections of claims 54-59, 64-69, 74-79, and 84-89 over Sloane and Narasimhan), we reply that the examiner's assertion that "Since the consumer in Narasimhan et al presents a query for the purpose of acquiring products/service of interest as described in col. 8, lines 41-74, it would be reasonable to disclose presenting a query, and in response, transmitting incentive data relating to that query in order to keep the consumer interested." does not assert that antecedent exists in the prior art of record. Reasonableness is not

a substitute for existing in the record or teaching of facts upon which an argument can be made that there exists a motivation to combine, and reasonableness is not a substitute for a teaching of a motivation to combine. Therefore, the examiner's new argument in support of the rejections of 54-59, 64-69, 74-79, and 84-89 over Sloane and Narasimhan is legally and factually deficient.

Respectably Submitted,

3/17/06

Date



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Printed: March 17, 2006 (11:48am)

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VII. **37 CFR 41.37(c)(1)(viii) - Claims Appendix as Attached to Appeal Brief**

50. A system for distributing product incentives to consumers over a communication network, comprising:

a cooperative network site configured to store at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer;

at least one of a manufacturer network site and a retailer network site coupled to said cooperative network site via said communication network; and

a consumer computer coupled to one of said manufacturer network site and retailer network site via said communication network,

wherein said cooperative network site is configured to transmit at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

51. The system of claim 50, wherein said cooperative network site is configured to store at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

52. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said manufacturer network site, said cooperative network site transmits a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site;

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said manufacturer network site.

53. The system of claim 52, wherein said cooperative network site transmits said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

54. The system of claim 50, wherein, in response to a query from said consumer made

over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site;

 said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

 said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

55. The system of claim 50, wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site;

 said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

 said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

56. The system of claim 50, wherein, in response to said consumer transmitting an identification code over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, said incentive data is based on consumer specific data of said consumer associated with said identification code;

 said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

 said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site.

57. The system of claim 56, wherein said incentive data is based on said consumer specific data comprising a shopping history of said consumer.

58. The system of claim 56, wherein said incentive data is based on said consumer specific data comprising demographic data of said consumer.

59. The system of claim 56, wherein said incentive data is based on said consumer

specific data comprising customer profile data of said consumer.

60. A process for distributing product incentives to consumers over a communication network, comprising:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

61. The process of claim 60, further comprising:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

62. The process of claim 60, further comprising:

transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

63. The process of claim 62, further comprising:

transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via

said manufacturer network site.

64. The process of claim 60, further comprising:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

65. The process of claim 60, further comprising:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

66. The process of claim 60, further comprising:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

67. The process of claim 66, further comprising:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

68. The process of claim 66, further comprising:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

69. The process of claim 66, further comprising:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

70. A system for distributing product incentives to consumers over a communication network, comprising:

means for storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

means for coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

means for coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

means for transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

71. The system of claim 70, further comprising:

means for storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

72. The system of claim 70, further comprising:

means for transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

73. The system of claim 72, further comprising:

means for transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

74. The system of claim 70, further comprising:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

75. The system of claim 70, further comprising:

means for transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

76. The system of claim 70, further comprising:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said

consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

77. The system of claim 76, further comprising:

means for basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

78. The system of claim 76, further comprising:

means for basing said incentive data on said consumer specific data comprising demographic data of said consumer.

79. The system of claim 76, further comprising:

means for basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

80. A computer program product comprising a computer storage medium having a computer program embedded in said computer storage medium for causing a computer to distribute product incentives to consumers over a communication network, said computer program performing the steps of:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site;

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network;

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network; and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in

response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site.

81. The computer program product of claim 80, said computer program further performing the steps of:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto.

82. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site a geographically limited list of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in response to a query from said consumer made over said communication network from said manufacturer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site.

83. The computer program product of claim 82, said computer program further performing the steps of:

transmitting from said cooperative network site said geographically limited list of retailers based on a postal code provided by said consumer to said cooperative network site via said manufacturer network site.

84. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection

data to said consumer via said retailer network site.

85. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

86. The computer program product of claim 80, said computer program further performing the steps of:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site; and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site.

87. The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

88. The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising demographic data of

said consumer.

89. The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

37 CFR 41.37(c)(1)(x) - Related Proceedings Appendix - Documents attached to Appeal Brief

BPAI decision on appeal in 09/505,632; BPAI appeal no: 2002-0329 (bates stamped pages 000503 to 000513 is Attachment 1.

BPAI decision on appeal in 08/873,974; BPAI appeal no: 2004-1267 (bates stamped pages 000483 to 000494 is Attachment 2.

BPAI decision on rehearing in 08/873,974; BPAI appeal no: 2004-1267 (bates stamped pages 000519 to 000525 is Attachment 3.

CAFC order dated March 9, 2005 remanding 05-1164 to the USPTO is Attachment 4.

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